CLCON No. 140 of 2003

Hon'ble Irshad Hussain, J.

Heard Sri B.S. Khanka learned counsel for the petitioner and Sri N.C. Gupta learned Standing Counsel for the respondent.

This is a petition alleging that despite the specific order of the court the petitioner has not been relieved for the State of U.P. The petitioner is a Medical Officer serving in Uttaranchal. He has opted for U.P. The petition was disposed of with the direction that the respondent to relieve the petitioner at the earliest whenever it is practicable. In the counter affidavit it is averred that due to paucity of Medical Officers in Uttaranchal the petitioner has not yet been relieved and that he is expected to be relieved as and when the situation is eased. The learned counsel for the petitioner submitted that 22 Medical Officers who were junior to him have already been relieved to U.P. It is not in dispute that the State of Uttaranchal is short of Medical Officers and the Medical Officers who have opted to U.P. are being relieved in phases. The respondent do not dispute that the petitioner is entitled to be relieved for the state of U.P. but considering the present difficulty they are not in a position to relieve the petitioner at-once for U.P.

Considering this there is no wilful disobedience of the order of the Court and the petition is not maintainable. The petition is dismissed. Notice discharged.

(Irshad Hussain, J.)

Dated 22-9-2003
ISB